



Exports and Reexports to Libya

Overview

Libya is under a comprehensive U.S. embargo. In recent weeks (August 2003) American and British negotiators and the Libyan Government reached an agreement regarding Libyan responsibility for the Lockerbie Pan Am bombing. However, at this time there is no indication that the U.S. Government plans to lift its unilateral embargo, even if the United Nations lifts its already suspended embargo on Libya.

The Department of the Treasury and the Department of Commerce share licensing responsibility for proposed U.S. exports and reexports to Libya. The Department of the Treasury's Office of Foreign Assets Control (OFAC) has licensing jurisdiction for exports to Libya, including transshipments via third countries. The Department of Commerce's Bureau of Industry and Security (BIS) has licensing jurisdiction for reexports of U.S.-origin items to Libya. OFAC authorization for a proposed export or transshipment constitutes authorization under the Export Administration Regulations (EAR), so exporters do not need separate authorization from BIS for such transactions.

Background

The U.S. Government has maintained economic sanctions on Libya since January 1986. OFAC and BIS share export licensing jurisdiction. OFAC is the licensing agency for exports and transshipments (exports from the United States to a third country through which the items transit or are reexported at a later date, but the exporter knows at the time of export from the United States that the shipment is intended for Libya). Exporters need authorization from OFAC for the export or transshipment of all items subject to the EAR, including items not listed on the Commerce Control List (CCL) (i.e., items classified as EAR99). There are three license exceptions available for direct exports and transshipments:

- Baggage (BAG);
- Governments and international organizations (GOV); and
- Gift parcels (GFT).

Exporters should consult part 740 of the EAR and section 550.504 of OFAC's Libyan Sanctions regulations for eligibility requirements under these license exceptions. Exporters eligible for these license exceptions do not need specific OFAC authorization to ship.

Exporters of agricultural commodities, medicines, and medical devices may be eligible for OFAC's expedited licensing procedures in its AgMed program. OFAC created this program to implement the Trade Sanctions Reform and Export Enhancement Act (TSRA) of 2000, as amended. To be eligible, exporters must first consult with BIS for an official commodity classification, as only agricultural commodities, medicines, and medical devices that are

classified as EAR99 are TSRA-eligible. The U.S. Department of Agriculture has prepared a list of eligible agricultural commodities that BIS has determined are classified as EAR99. This list is available on the BIS webpage. If a proposed agricultural commodity is not on this list, exporters must seek an official commodity classification from BIS. Details on how to do this are available in section 748.3 of the EAR. Once an exporter receives a commodity classification determination from BIS, they must then submit a copy of it to OFAC as part of their TSRA AgMed license application.



In general, medicines are classified as EAR99. However, BIS does control certain vaccines and immunotoxins on the CCL. These items are not eligible for OFAC's TSRA AgMed program. BIS maintains a list of these ineligible medicines on its webpage.

BIS also maintains an illustrative list of TSRA-eligible EAR99 medical supplies on its webpage. If exporters' products are on this list, they do not need a commodity classification from BIS before submitting a license application with OFAC under its TSRA AgMed program. Exporters must obtain an official commodity classification from BIS for any other medical item not listed on the webpage, and must submit a copy of this classification with their OFAC license application.

Exporters should consult with OFAC regarding its licensing policy for TSRA and non-TSRA exports and transshipments to Libya.

BIS is the licensing agency for reexports of U.S.-origin items from third countries to Libya. Reexporters need a license from BIS for all items subject to the EAR, including items not listed on the CCL (i.e., EAR99 items). There are a small number of commodities that are not subject to the EAR for purposes of reexport to Libya. These are food, medicines, medical supplies, and agricultural commodities. Please note that BIS defines eligible medical supplies much more narrowly than the TSRA-defined eligible medical items for OFAC's TSRA AgMed program. The reexport licensing requirement for Libya for medical supplies pre-dates the TSRA, and is limited to basic supplies, such as bandages and gauze. BIS does not include medical devices in its definition of items eligible for reexport to Libya without a license. An export license is required for both medical device exports (from OFAC) and reexports (from BIS).

There are a limited number of license exceptions available for reexports to Libya. These license exceptions include:

- temporary exports and reexports, and reexports by the news media (TMP);
- operation software and technology (TSU) for legally exported commodities;
- sales technology (TSU);
- parts for one-for-one replacement in certain legally exported commodities (RPL);
- baggage (BAG);
- aircraft and vessels (AVS) for vessels only, and temporary reexports of foreign registered aircraft;
- governments and international organizations (GOV);
- gift parcels and humanitarian donations (GFT); and
- permissive reexports of certain spare parts in foreign-made equipment.

Reexporters should consult part 740 of the EAR for eligibility requirements under these license exceptions.

BIS has a general licensing policy of denial for the following:

- national security controlled items, including foreign produced products of U.S. technology and software exported from the United States after March 12, 1982;
- oil and gas equipment and technology and software as specified in the EAR, or if determined by BIS not to be readily available from sources outside the United States;
- items destined for the Ras Lanuf petrochemical processing complex;
- aircraft, helicopters, parts, components, and accessories or engineering and maintenance servicing;
- arms and related material of all types;
- materials destined for the construction, improvement, or maintenance of Libyan airfields of all kinds and associated facilities and equipment; and
- equipment and supplies for the Libyan oil industry, as specified in the EAR.

Generally BIS will issue licenses for items not covered above if the transaction involves contracts entered into prior to March 12, 1982. In addition, BIS may approve a reexport license for U.S. origin controlled items if those items are incorporated into a foreign-made product and constitute 20 percent or less of the content of the finished foreign-made product. Applications for reexports under a contract pre-dating January 18, 1994, will be reviewed under the licensing policy in effect prior to that date.

BIS will also consider reexport applications favorably on a case-by-case when the transaction involves the following items, except for certain items treated under a general policy of denial (see part 746.4(c)(2)(iv) through (vii) of the EAR for a listing of those items):

- reexports of national security controlled items exported prior to March 12, 1982, and exports of foreign products incorporating these U.S. origin items;
- items destined for the Ras Lanuf petrochemical complex, where the transaction could be approved except for the specific denial in part 746.4(c)(iii) and where the transaction either involves a contract in effect before December 20, 1983, that requires the export or

- reexport of the items, or the items had been exported from the United States before that date; and
- other unusual circumstances such as transactions involving firms with contractual commitments in effect before March 12, 1982.

BIS also generally considers applications for reexports of oil-highway wheel tractors with a carriage capacity of 10 tons or more on a case-by-case basis if the proposed reexports are of reasonable quantities and are not to be used in support of any of the end-uses under a policy of denial. BIS reviews all other reexports not covered by United Nations resolutions on a case-by-case basis.

A reexport license is not required for U.S.-origin controlled items if the U.S.-origin items are incorporated into a foreign product and constitute 10 percent or less of the total value of the foreign made product. However, certain U.S. controlled semiconductors, high speed interconnect devices, and encryption software are not eligible for this *de minimis* treatment. Reexporters should consult part 734.4 of the EAR for more details on *de minimis* eligibility.

If you have specific inquiries regarding reexports to Libya, please contact the BIS Export Counseling Division at 202-482-4811 or submit a query from the BIS webpage. For inquiries regarding exports and transshipments to Libya, please contact the OFAC Licensing Division at 202-622-2480 or consult OFAC's webpage.

U.S. Trade with Libya

There has been little BIS reexport licensing activity for Libya. All of the items authorized for reexport were controlled for Anti-Terrorism (AT) reasons or were EAR99 (i.e., subject to the EAR but not specifically listed on the Commerce Control List).

Licensed Trade with Libya: Number

	2001	2002	Jan.-June 2003
Approved	3	5	0
Denied	2	0	3
Returned without Action	7	0	2

Licensed Trade with Libya: Value

	2001	2002	Jan.-June 2003
Approved	\$20.3 million	\$380,000	0
Denied	\$ 1.3 million	0	0
Returned without Action	\$37.3 million	0	\$168,000

- Source: Bureau of Industry and Security ECASS Licensing Database, August 2003

Prepared August 2003

**All Export Commodities: FAS Value by FAS Value
For Libya**

U.S. Total Exports

Annual + Year-To-Date Data from Jan - May

HTS Number	2001	2002	2002 YTD	2003 YTD
	<i>In Actual Dollars</i>			
1001902055 WHEAT AND MESLIN, EXCEPT SEED, NESOI	9,008,500	18,263,813	0	0
3917320000 TUBES, PIPES & HOSES, NOT REINFORCED OR OTHERWISE COMBINED WITH OTHER MATERIALS, W/O FITTINGS, NESOI	0	6,598	0	0
1001100090 DURUM WHEAT, EXCEPT SEED	0	0	0	0
1005902030 YELLOW DENT CORN (MAIZE), U. S. NO. 2, EXCEPT SEED	0	0	0	0
1006301040 RICE, SEMI-MILLED OR WHOLLY MILLED, PARBOILED, NESOI INCLUDING MIXTURES	0	0	0	26,200
Subtotal :	9,008,500	18,270,411	0	26,200
All Other:	0	0	0	0
Total	9,008,500	18,270,411	0	26,200

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Sources: Data on this site have been compiled from tariff and trade data from the U.S. Department of Commerce, the U.S. Treasury, and the U.S. International Trade Commission.





# U.S. Trade Balance with Libya

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## Trade with Libya : 2002

*NOTE: All figures are in millions of U.S. dollars*

| MONTH        | EXPORTS      | IMPORTS     | BALANCE      |
|--------------|--------------|-------------|--------------|
| June         | 3.40         | 0.00        | 3.40         |
| July         | 14.90        | 0.00        | 14.90        |
| <b>TOTAL</b> | <b>18.30</b> | <b>0.00</b> | <b>18.30</b> |

- TOTALS may not add due to rounding.
- Table reflects only those months for which there was trade.
- CONTACT: Data Dissemination Branch, (301)763-2311
- SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233

## Trade with Libya : 2001

*NOTE: All figures are in millions of U.S. dollars*

| MONTH        | EXPORTS     | IMPORTS     | BALANCE     |
|--------------|-------------|-------------|-------------|
| July         | 4.60        | 0.00        | 4.60        |
| September    | 4.40        | 0.00        | 4.40        |
| <b>TOTAL</b> | <b>9.00</b> | <b>0.00</b> | <b>9.00</b> |

- TOTALS may not add due to rounding.
- Table reflects only those months for which there was trade.
- CONTACT: Data Dissemination Branch, (301)763-2311
- SOURCE: U.S. Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington, D.C. 20233



U.S. Department of the Treasury  
Office of Foreign Assets Control



# LIBYA

## What You Need To Know About The U.S. Embargo

### An overview of the Libyan Sanctions Regulations -- Title 31 Part 550 of the U.S. Code of Federal Regulations

■ **INTRODUCTION** - The Libyan Sanctions Regulations, authorized under the International Emergency Economic Powers Act and the International Security and Development Cooperation Act of 1985, established economic sanctions against Libya in January 1986. Citing terrorist attacks against the Rome and Vienna airports in December 1985, former President Reagan emphasized that he had authorized the sanctions in response to Libya's repeated use and support of terrorism against the United States, other countries, and innocent persons. The Regulations are still in force and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches of U.S. organizations throughout the world. They are administered by the U.S. Treasury Department's Office of Foreign Assets Control.

Criminal penalties for violating the sanctions range up to 10 years in prison, \$500,000 in corporate and \$250,000 in individual fines. In addition, civil penalties of up to \$11,000 per violation may be imposed administratively.

This fact sheet is a broad overview of the Libyan Sanctions Regulations.

■ **BUYING FROM LIBYA** - Goods or services of Libyan origin may not be imported into the United States either directly or through third countries. There are two exceptions: (1) Libyan merchandise up to \$100 in value in non-commercial quantities may be brought into the United States either for strictly personal use as accompanied baggage by an authorized traveler or sent as a gift to a person in the United States and (2) qualifying informational material may be imported without restriction.

■ **SELLING TO LIBYA** - Except for informational materials, such as books, magazines, films, and recordings and donated articles such as food, clothing, medicine, and medical supplies intended to relieve human suffering, and the licensed export of agricultural commodities, medicine and medical devices, no goods, technology, or services may be exported from the United States to Libya, either directly or through third countries. No U.S. bank or foreign branch of a U.S. bank may finance, or arrange offshore financing for, third-country trade transactions where Libya is known to have an interest in the trade as its ultimate beneficiary. The U.S. Treasury Department takes the view that arranging transactions which ultimately benefit Libya (for example, brokering third-country sales of Libyan crude oil or transportation for Libyan cargo) constitutes an exportation of brokerage services to Libya and a dealing in Libyan governmental property in violation of the Regulations. Banks should be careful, for example, not to become involved in transactions relating to shipments to or from South Korea involving ultimate delivery of merchandise to the Great Man-Made River Project in Libya. The only areas of trade that may involve Libya and still be permissible are: (1) the sale of parts and components to third countries, where the U.S. goods will be "substantially transformed" into new and different articles of commerce prior to shipment to Libya, and (2) the sale of goods which come to rest in the inventory of a third-country distributor whose sales are not predominantly to Libya.

Even the first of those exceptions is not available if the finished product of the third country is destined for use in any aspect of the Libyan petroleum or petrochemical industries.

■ **SPECIALLY DESIGNATED NATIONALS** - Individuals or organizations who act on behalf of the Government of Libya anywhere in the world are considered by the U.S. Treasury Department to be "Specially Designated Nationals" of Libya. Their names are published in the Federal Register, an official publication of the U.S. Government. A listing of such Specially Designated Nationals may be obtained by calling the Office of Foreign Assets Control at 202/622-2420. The listing, however, is a partial one and any U.S. individual or organization engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Libya. The list includes certain banks domiciled in Europe and Africa as well as the names of individuals who are officers and directors of substantial international corporations. U.S. individuals or organizations who violate the Regulations by transacting business with Specially Designated Nationals of Libya may be subject to civil or criminal prosecution.

■ **LIBYAN GOVERNMENT ASSETS BLOCKED** - On January 8, 1986, the President blocked all Government of Libya assets in the United States or in the possession or control of U.S. persons anywhere in the world. This action prohibits all transfers of Libyan governmental assets without a specific license from the Office of Foreign Assets Control. All contracts, loans, and financial dealings with Libya are prohibited. The freeze covers all properties of the Libyan Government, and of entities owned or controlled by it, including all Libyan-organized and Libyan-owned or controlled banks (all banks in Libya are considered Government-controlled) and includes deposits held in banks in the United States and in U.S. banks' overseas branches. The prohibition against any transfer of property or interest in the property of Libya includes property that is now or in the future is located in the United States or is in or comes into the possession or control of U.S. persons. Any unlicensed funds transfer involving a direct or indirect interest of the Government of Libya (including any transfer routed through or to Libyan banks, all of which are considered to be Specially Designated Nationals of Libya), for which banks subject to U.S. jurisdiction receive instructions, must be deposited into a blocked account on the books of the bank receiving the instructions. Such funds may not be returned to a remitter without a specific license from the Office of Foreign Assets Control. No unlicensed debits may be made to blocked Libyan accounts to pay obligations of U.S. or other persons, whether the obligations arose before or after the sanctions against Libya were imposed. Even payments from blocked accounts for goods, services, or technology exported prior to the sanctions program are prohibited.

■ **FINANCIAL DEALINGS WITH LIBYA** - Financial transactions, including trade financing, are generally prohibited. Payments for and financing of licensed sales of agricultural commodities, medicine and medical devices may be accomplished by cash in advance, sales on open



account (provided the account receivable is not transferred by the person extending the credit), or by third country financial institutions that are neither U.S. persons nor government of Libya entities. Any other arrangements must be specifically authorized by OFAC. U.S. banks may advise and confirm letters of credit issued by third country banks covering licensed sales.

Payments for licensed sales of agricultural commodities, medicine and medical devices, which must reference an appropriate OFAC license, may not involve a debit to a blocked account on the books of a U.S. depository institution. Before a U.S. bank initiates a payment, or credits its customer for a licensed transaction, it must determine that the transfer is authorized.

**■ CONTRACTS BENEFITTING LIBYA** - No U.S. person may perform any contract in support of an industrial or other commercial or governmental project in Libya. The prohibition includes sales or service agreements with non-Libyan persons located anywhere in the world, if it is known that Libya or a Libyan project will benefit from the transaction. Banks subject to U.S. jurisdiction must exercise extreme caution not to operate accounts for even non-U.S. companies which use those accounts for transactions connected with Libyan projects or commercial activities. Any such accounts must be blocked under U.S. law.

**■ TRANSACTIONS INVOLVING U.S. SUBSIDIARIES** - Independent transactions with Libya by foreign subsidiaries of U.S. firms are permitted if no U.S. person or permanent resident has a role. It should be emphasized that the facilitating actions of the U.S. parent, or of U.S. citizens (wherever resident) who manage or work for the subsidiary, are fully subject to the prohibitions of the Regulations.

**■ STANDBY LETTERS OF CREDIT** - A number of companies were required to open bid, performance, advance payment, or warranty bonds in the form of standby letters of credit to do business with Libya before the Libyan sanctions were imposed. Special procedures have been established with regard to payment demands under standby letters of credit in favor of Libya. Banks must "give prompt notice" to the party who opened the letter of credit (the account party) when there is an attempted drawing. The

account party then has five days to apply to the Office of Foreign Assets Control for a specific license to prevent "payment" of the letter of credit into a blocked account. A bank may not make any payment, even into a blocked account, on behalf of a Libyan beneficiary unless the account party fails to secure a Treasury license within 10 business days of notification from the bank. If the account party receives a license from the Treasury Department, the original of the license should be presented to the bank and a special blocked reserve account must be established on the account party's corporate books to reflect its outstanding obligation to Libya in lieu of the bank "paying" the letter of credit. The account party must certify to the Treasury Department that it has established the blocked reserve account. Neither the bank nor the account party are relieved from giving any notice of defense against payment or reimbursement that is required by applicable law. Moreover, the issuing bank must continue to maintain the letter of credit as a contingent liability on its own books, despite any reserve account established by the account party and, in the event the embargo is lifted, both the bank and the account party will be expected to negotiate concerning their outstanding obligation.

**■ TRAVEL TO LIBYA** - All transportation-related transactions involving Libya by U.S. persons are prohibited, including the sale in the United States of any transportation by air which includes any stop in Libya. All travel-related transactions are prohibited for U.S. citizens or residents with regard to Libya, except for (1) travel by close family members of Libyan nationals when the U.S. citizen or resident has registered with Treasury's Office of Foreign Assets Control or with the Embassy of Belgium in Tripoli, (2) travel by journalists regularly employed in such capacity by a newsgathering organization, or (3) travel transactions pertaining to arranging exports of licensed sales of agricultural commodities, medicine, and medical devices. Travel transactions related to the installation or servicing of medical devices exported pursuant to license may be authorized by specific license.

If you have information regarding possible violations of any of these regulations, please call the Treasury Department's Office of Foreign Assets Control at 202/622-2430. Your call will be handled confidentially.

#### LICENSE APPLICATION GUIDELINES FOR EXPORTS TO IRAN, LIBYA AND SUDAN OF AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL DEVICES

##### Ag/Med Program

The following information is intended to serve as guidance to persons applying for licenses authorizing Ag/Med exports to Iran, Libya, and Sudan pursuant to, respectively, the Iranian Transactions Regulations, 31 C.F.R. Part 560, the Libyan Sanctions Regulations, 31 C.F.R. Part 550, and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538. Applicants are encouraged to consult the regulations for a complete statement of the rules applicable to Ag/Med exports.

Applications not containing all of the required information will be considered incomplete and returned without action and without prejudice. A new application will be accepted upon resubmission of a complete application.

To apply for a license to export agricultural commodities, medicine, or medical devices to Iran, Libya, or Sudan under the Ag/Med Program, applicants must submit a license request, in writing, to the Office of Foreign Assets Control (OFAC). The following items must be included in clear and legible form:

- Identification of the country and program for which the applicant is requesting a license on the top of the first page of the application and on the front of the envelope. (Example: **Iran - Ag/Med Program**). If the applicant wishes to submit applications for two or more countries, a separate application must be submitted for each country;
- Applicant's full legal name (If the applicant is a business entity, the state or jurisdiction of incorporation and principal place of business);
- Applicant's mailing and street address;
- Name of the individual(s) responsible for the application and related commercial transactions, including the individual's/individuals' telephone number, fax number, and if available, email address so that we may reach a responsible point of contact should there be any questions about the application;
- Applicant's signature;
- Names and addresses of all parties involved in the transactions and their roles, including financial institutions, and any Iranian, Libyan, or Sudanese broker, purchasing agent, end-user, or other participant in the purchase of the agricultural commodities, medicine, or medical devices;
- A description of all products to be exported, including a statement that the product(s) is/are classified as EAR99, and documentation and information sufficient to verify that the product(s) to be exported are classified as EAR99 and are eligible for exportation under the Ag/Med program. This would typically include the name of the product(s), a short description of the product(s) in layperson's terms (for medical devices, also include technical specifications), the intended use of the agricultural commodities, medicine, or medical devices, and a statement explaining how the product(s) to be exported qualifies/qualify as an agricultural commodity, medicine, or medical device as those terms are defined in the regulations.
- Exporters must have a commodity classification of EAR99 for all products that are eligible in this Ag/Med program. Exporters of all fertilizers, live horses, and western red cedar must submit to OFAC a copy of an Official BXA Commodity Classification of EAR99 as part of the license application (because certain of these items are controlled on the Commerce Control List and thus are not eligible for this program). Exporters of medical devices also must provide OFAC with an Official BXA Commodity Classification of EAR99, unless the proposed export is for a medical supply and that medical supply is specifically listed as eligible for export under the Ag/Med program on BXA's website at <http://>

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the Ag/Med program. Exporters of agricultural commodities may wish to consult the following USDA website: [www.fas.usda.gov](http://www.fas.usda.gov) for a list of agricultural commodities that qualify for export under the Ag/Med program.

**Please note:** Payment by cash in advance, open account financing, or third-country bank letter of credit is authorized by general license. A special request will have to be made to use a letter of credit issued by an Iranian, Libyan, or Sudanese bank. Upon such a request, payment by letter of credit issued by an Iranian, Libyan, or Sudanese bank may be authorized by specific license on a case-by-case basis, provided that such letter of credit may not be advised, confirmed or otherwise dealt in by any financial institution that is a United States person (see, 31 C.F.R. §§ 560.314, 560.532; 31 C.F.R. §§ 550.308, 550.571; 31 C.F.R. §§ 538.315, 538.525).

The application should be mailed to the address below.

**Attn: Licensing Division  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220**

In order to expedite the process, applicants may also send a complete copy of their application in Adobe Acrobat PDF format to the following email address:

[agmed@do.treas.gov](mailto:agmed@do.treas.gov)

Applicants who choose to send a copy of their application via Internet *must* also send a hard copy of their application in order for OFAC to process their application. Applicants should note that the official date of receipt for their application will be the date the hard copy of the application is received by OFAC via mail.

The hard copy of all licenses will be mailed to applicants. Upon request, applicants may receive via email a copy of their license in Adobe Acrobat PDF format.

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This document is explanatory only and does not have the force of law. The Executive Orders and implementing regulations relating to Libya contain the legally binding provisions governing the sanctions and this document does not supplement or modify those Executive Orders or regulations.

The Office also administers sanctions programs involving Iraq, the Balkans, North Korea, Cuba, the National Union for the Total Independence of Angola (UNITA), the Federal Republic of Yugoslavia, Iran, Syria, Sudan, Burma (Myanmar), the Taliban in Afghanistan, Sierra Leone, Liberia, designated terrorists and international Narcotics Traffickers, Foreign Terrorist Organizations, and designated foreign persons who have engaged in activities relating to the proliferation of weapons of mass destruction. For additional information about these programs or about the Libyan Sanctions Regulations, please contact the:

**OFFICE OF FOREIGN ASSETS CONTROL**  
U.S. Department of the Treasury  
Washington, D.C. 20220  
202/622-2520  
<http://www.treas.gov/ofac>

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07-26-2001





## OFFICE OF FOREIGN ASSETS CONTROL LICENSING DIVISION

### LICENSE APPLICATION GUIDELINES FOR EXPORTS TO IRAN, LIBYA AND SUDAN OF AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL DEVICES

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Applications not containing all of the required information will be considered incomplete and returned without action and without prejudice. A new application will be accepted upon resubmission of a **complete** application.

To apply for a license to export agricultural commodities, medicine, or medical devices to Iran, Libya, or Sudan under the Ag/Med Program, applicants must submit a license request, in writing, to the Office of Foreign Assets Control (OFAC). The following items must be included in clear and legible form:

- Identification of the country and program for which the applicant is requesting a license on the top of the first page of the application and on the front of the envelope . (Example: **Iran – Ag/Med Program**). If the applicant wishes to submit applications for two or more countries, **a separate application** must be submitted for each country;
- Applicant's full legal name (If the applicant is a business entity, the state or jurisdiction of incorporation and principal place of business);
- Applicant's mailing and street address;
- Name of the individual(s) responsible for the application and related commercial transactions, including the individual's/individuals' telephone number, fax number, and if available, email address so that we may reach a responsible point of contact should there be any questions about the application;
- Applicant's signature;
- Names and addresses of all parties involved in the transactions and their roles, including financial institutions, and any Iranian, Libyan, or Sudanese broker, purchasing agent, end-user, or other participant in the purchase of the agricultural commodities, medicine, or medical devices;

- A description of all products to be exported, including a statement that the product(s) is/are classified as EAR99, and documentation and information sufficient to verify that the product(s) to be exported are classified as EAR99 and are eligible for exportation under the Ag/Med program. This would typically include the name of the product(s), a short description of the product(s) in layperson's terms (for medical devices, also include technical specifications), the intended use of the agricultural commodities, medicine, or medical devices, and a statement explaining how the product(s) to be exported qualifies/qualify as an agricultural commodity, medicine, or medical device as those terms are defined in the regulations.
- Exporters must have a commodity classification of EAR99 for all products that are eligible in this Ag/Med program. Exporters of all fertilizers, live horses, and western red cedar must submit to OFAC a copy of an Official BXA Commodity Classification of EAR99 as part of the license application (because certain of these items are controlled on the Commerce Control List and thus are not eligible for this program). Exporters of medical devices also must provide OFAC with an Official BXA Commodity Classification of EAR99, unless the proposed export is for a medical supply and that medical supply is specifically listed as eligible for export under the Ag/Med program on BXA's website at <http://www.bxa.doc.gov/Regulations/TradeSanctionsReformExportEnhancementAct.html>. BXA will also provide a list of medicines on its website that are **not** eligible for export under the Ag/Med program. Exporters of agricultural commodities may wish to consult the following USDA website: [www.fas.usda.gov](http://www.fas.usda.gov) for a list of agricultural commodities that qualify for export under the Ag/Med program.
- **Please note:** Payment by cash in advance, open account financing, or third-country bank letter of credit is authorized by general license. A special request will have to be made to use a letter of credit issued by an Iranian, Libyan, or Sudanese bank. Upon such a request, payment by letter of credit issued by an Iranian, Libyan, or Sudanese bank may be authorized by specific license on a case-by-case basis, provided that such letter of credit may not be advised, confirmed or otherwise dealt in by any financial institution that is a United States person (see, 31 C.F.R. §§ 560.314, 560.532; 31 C.F.R. §§ 550.308, 550.571; 31 C.F.R. §§ 538.315, 538.525).

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[agmed@do.treas.gov](mailto:agmed@do.treas.gov)

Applicants who choose to send a copy of their application via Internet **must** also send a hard copy of their application in order for OFAC to process their application. Applicants should note that the official date of receipt for their application will be the date the hard copy of the application is received by OFAC via mail.

The hard copy of all licenses will be mailed to applicants. Upon request, applicants may receive via email a copy of their license in Adobe Acrobat PDF format.